

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION

MDL No. 2543

TRANSFER ORDER

Before the Panel:* Defendant General Motors LLC (General Motors) moves under 28 U.S.C. § 1407(c) to transfer the action listed on Schedule A (*Frank*) to MDL No. 2543. Plaintiffs have not responded to the motion.

The actions in MDL No. 2543 involve factual questions arising from an alleged defect in certain General Motors vehicles that causes the vehicle's ignition switch to move unintentionally from the "run" position to the "accessory" or "off" position. *See In re: General Motors LLC Ignition Switch Litig.*, ___ F. Supp. 2d ___, 2014 WL 2616819, at *1 (J.P.M.L. Jun. 9, 2014). Plaintiff in *Frank* alleges primarily that a power steering defect in General Motors vehicles caused plaintiff and putative class members economic injury.

Defendant represents that certain claims in *Frank* overlap with claims asserted in MDL No. 2543, and that therefore there will be discovery that is common to the MDL and to the *Frank* action. Since the *Frank* plaintiff has not responded to the motion to transfer, we deem her to have conceded to transfer. *See* Panel Rule 6.1(a). On this record, particularly considering that defendant's motion is unopposed, we conclude that transfer is appropriate.

It may be, upon further refinement of the issues, that the core issues of *Frank* are too different from the focus of MDL No. 2543 to make common management efficient and that its continued retention would not serve the goals of Section 1407. If the transferee judge determines after close scrutiny that remand of any claims is appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See* Panel Rules 10.1-10.3.

Accordingly, after considering the argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2543, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation.

* Judge Charles R. Breyer took no part in the decision of this matter.

Certain Panel members who could be members of the putative classes in this docket have renounced their participation in these classes and have participated in the decision.

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IT IS THEREFORE ORDERED that this action is transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Jesse M. Furman for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Lewis A. Kaplan
R. David Proctor

**IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION**

MDL No. 2543

SCHEDULE A

Southern District of Florida

FRANK V. GENERAL MOTORS LLC, C.A. No. 1:14-21652